

REMARKS

By this amendment, claims 1-40 are pending, of which claims 1, 20, and 40 are currently amended. No new matter is introduced. Support for the amendments can be found in the application as filed; *see*, for example, at least paragraphs [44] through [50] of the specification, and Fig. 5.

The Final Office Action mailed August 10, 2005 rejected claims 1-40 as obvious under 35 U.S.C. §103(a) based on *Crawford* (US 6,014,651) in view of *Elsbree* (US 6,834,388). A Board Decision of November 24, 2010 sustained the rejection of claims 1-40. This amendment is responsive thereto.

The rejection of claims 1-40 under 35 U.S.C. §103(a) is respectfully traversed.

As amended, independent claim 1 recites, *inter alia*, the web tier “to access web content,” the application tier “including a **business and integration tier**,” and “a **presentation tier** configured to establish a customer portal.” Moreover, the claims now recite “a **database tier** in communication with the application tier, and a service **availability tool (SAT) tier**, in communication with the application tier, configured to pre-qualify a customer for the telecommunication offerings.” Independent claim 20 recites, *inter alia*, “receiving a request or a user action from a web server in a web tier and **accessing web content responsive to the request or user action**,” “**establishing a customer portal, producing web pages, and navigating uniform resource locators (URLs) in an application tier**,” “**communicating, with a database, by the application tier**,” and “**communicating with the application tier to pre-qualify a customer for the telecommunication offerings**.” Independent claim 40 recites, *inter alia*, “means for receiving a request or a user action from a web server in a web tier and **receiving web content responsive to the request or user action**; means for performing order

management, online ordering or user management functions **in an application tier and establishing a customer portal, producing web pages and navigating uniform resource locators URLs**; means for **communicating with the application tier**; means to **pre-qualify a customer for the telecommunication offerings**” (bold emphasis added).

The Board determined that *Crawford* disclosed two tiers, a web tier visible to customers purchasing online services, and an application tier that may function in the background, calling on a database to fulfill a customer’s request. *Elsbree* was relied on for disclosing customizable software objects. The Board agreed with the Examiner that the references were combinable to meet the claimed invention because the customizable software objects of *Elsbree* would “improve the functionality of Crawford’s system by allowing the objects to carry additional information for product collection and distribution.”

The claims are now amended to include more than merely a two-tier structure. For example, independent claim 1 recites an additional **database tier** and a service **availability tool (SAT) tier**, features that are not present in either *Crawford* or *Elsbree*. Moreover, claim 1 recites that the web tier has the additional function of **accessing web content**, and that the **application tier also includes a business and integration tier**, and a **presentation tier** configured to establish a customer portal, features not found in the applied references. Independent claim 20 recites additional features of **accessing web content** responsive to a request or user action, **establishing a customer portal, producing web pages, and navigating uniform resource locators (URLs)**, communicating with a **database**, and communicating with the application tier **to pre-qualify a customer** for the telecommunication offerings, the combination of these features not found in the applied references. Independent claim 40 recites additional features of **receiving web content** responsive to a request or user action, **establishing**

a customer portal, producing web pages and navigating uniform resource locators (URLs), communicating with the application tier, and **pre-qualifying a customer** for telecommunication offerings, the combination of these features not found in the applied references.

While the Board determined that *Crawford* disclosed two tiers, a web tier visible to customers purchasing online services, and an application tier that may function in the background, calling on a database to fulfill a customer's request, *Crawford* clearly does not teach or suggest the additional tiers, along with their functions, and/or the communication **pre-qualifying a customer** for telecommunication offerings, as recited in the amended claims.

As defined in the claims (and finding support, for example, in Figure 5), the application tier includes a presentation tier, as well as a business and integration tier, each having specific functions. The web tier is further defined as accessing web content, distinguishing over the Board's determination of sending an e-mail request to a server, as corresponding to the "web tier." Further, the claimed feature of a service availability tool (SAT) to pre-qualify a customer for telecommunication services is nowhere to be found in either *Crawford* or *Elsbree*, or the combination thereof.

Since each of the pending claims now clearly recite features not disclosed or suggested by either *Crawford* or *Elsbree*, withdrawal of the rejection of claims 1-40 under 35 U.S.C. §103(a) is respectfully solicited.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Reconsideration and allowance are respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the

undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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